

**Notice of Allowability**

Application No.

10/826,773

Examiner

Hoang-Vu A. Nguyen-Ba

Applicant(s)

HARPER, JOHN

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 8/9/06.
2. ☒ The allowed claim(s) is/are 1-11, 27 and 28.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 5/9/06
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



ANTONY NGUYEN-BA  
PRIMARY EXAMINER

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Lou Brucculeri, Reg. No. 38,834 on October 11, 2006.

The application has been amended as follows:

#### **In the Claims:**

**1. (Currently Amended)**

at line 2: after "comprising the steps of" insert -- : --

at line 3: delete "Determining" and insert – determining –

at line 4: at the end of the line, delete ",", and insert -- ; --

at line 5: delete "Examining" and insert – examining –

at line 6: before "and" delete ",", and insert -- ; --

at line 7: delete "Editing" and insert – editing –

**4. (Currently Amended)**

at line 3: before "texture references." delete "dependant" and insert – dependent –

**7. (Currently Amended)**

at line 3: after "comprising the steps of" insert -- : --

at line 5: before "pixels represented by" delete "a"

at line 8: before "and" delete ",", and insert -- ; --

**10. (Currently Amended)**

at line 3: before “texture references.” delete “dependant” and insert – dependent –

**11. (Currently Amended)**

at line 3: after “a texture reference that is” delete “dependant” and insert – dependent –

**27. (Currently Amended)** A computer-readable medium having computer executable instructions for performing the ~~method recited in claim 1~~. steps of:

determining whether an output buffer of said first node will comprise data that is similar to an input texture of said second node;

examining each program line in said second node to determine if it negates the possibility of combining nodes; and

editing program code to replace any first-node-texture references with a single pixel, where a first-node-texture reference is a reference in the second node’s code to a texture that would have been created by the first node.

**28. (Currently Amended)** A computer-readable medium having computer executable instructions for performing the ~~method recited in claim 7~~. steps of:

determining whether an output of the first fragment program represents relevant pixels that are the same pixels represented by an input of the second fragment program;

examining each program line in said second program to determine if it negates the possibility of combining said two programs; and

to determine if it negates the possibility of combining said two programs; and

editing program code to replace at least one texture reference with a register reference.

The following amendments to correct informalities (e.g., ungrammatical errors) in the Abstract have not been authorized by Applicant’s Attorney:

**In the Abstract:**

- at line 1: delete "Disclosed is as" and insert – A –
- at line 3: before "combined filter emerging from the combination spares" delete "The" and insert – A –

***Examiner's Statement of Reasons for Allowance***

2. Claims 1-11 and 27-28 are allowed.
3. The following is an examiner's statement of reasons for allowance.

As submitted by Applicant, in his Remarks, pp. 6-7, filed August 9, 2006, the prior art of record, i.e., U.S. Patent No. 5,490,246 to Brotsky, taken alone or in combination, fails to teach or suggest the limitations as recited in independent claims 1, 7, 27 and 28.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:05 – 17:35.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Anthony Nguyen-Ba". The signature is fluid and cursive, with the first name "Anthony" and last name "Nguyen-Ba" clearly distinguishable.

**ANTHONY NGUYEN-BA  
PRIMARY EXAMINER**

October 11, 2006